

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ORACLE CORPORATION,

Plaintiff,

v.

**CHARTIS SPECIALTY INSURANCE
COMPANY,**

Defendant.

Civil Action No. 1:18-cv-3440 (GHW)

**APPLICATION FOR LEAVE TO FILE REDACTED EXHIBIT TO MOTION FOR
PARTIAL JUDGMENT ON THE PLEADINGS**

For the reasons set forth herein, Plaintiff Oracle Corporation (“Plaintiff”), by and through its undersigned counsel, submits this application seeking leave of this Court, pursuant to Rule 4(A)(ii) of the Court’s Individual Rules of Practice in Civil Cases (the “Court’s Individual Rules”), to file Exhibit B to Plaintiff’s Motion for Partial Judgment on the Pleadings (Dkt. # 37-2), with the existing redactions to Exhibit B to that motion, in order to protect sensitive and proprietary information. Exhibit B to Plaintiff’s motion is a July 19, 2017 letter from AIG to Oracle in which AIG articulates its coverage position with respect to Oracle’s request for coverage for costs incurred in the Cover Oregon Lawsuits.¹ This letter includes two categories of information that Plaintiff seeks to redact: (1) the limits of liability and retentions of the underlying AIG and Beazley Policies (the “Policies”), and (2) references to the amount and breakdown of defense costs incurred by Oracle in the Cover Oregon Lawsuits.

¹ The term “Cover Oregon Lawsuits” has the same meaning as in Plaintiff’s Complaint.

A. Limits of Liability and Applicable Retentions

On April 27, 2018, Plaintiff sought leave, with Defendant's consent, to file the Policies at issue in this litigation with redactions to information revealing premiums and limits of liability. (Dkt. # 8.) This Court granted that request in an Order dated April 30, 2018, concluding that “[w]eighing the low relevance of the insurance premiums and policy limits to Plaintiff's claims against the privacy interests of the insurers, the Court finds that the interests of the insurers outweigh the presumption of public access at this stage in the litigation.” (Dkt. # 9.)

On July 19, 2018, Plaintiff filed a Motion for Partial Judgment on the Pleadings. (Dkt. # 36-37). Exhibit B to that motion is a July 19, 2017 letter from AIG to Oracle in which AIG states its coverage position with respect to Oracle's request for coverage for costs incurred in the Cover Oregon Lawsuits. In that letter, AIG identifies the limits of liability of the Policies, as well as Oracle's self-insured retention. For the same reasons as stated in Plaintiff's April 27, 2018 application, and based on this Court's April 30, 2018 Order, Plaintiff respectfully requests leave to file AIG's July 19, 2017 letter with redactions to the Policies' limits of liability and Oracle's self-insured retention. AIG has consented to this request.

B. Defense Costs

AIG's July 17, 2017 letter also includes information relating to the defense costs incurred by Oracle in the Cover Oregon Lawsuits. Although this information may become relevant later in this proceeding, at this time, these limited redactions serve Oracle's privacy interest in maintaining confidentiality over information that may reveal its bargaining power in the legal market and litigation priorities. This information is not relevant to either of the motions the parties have been granted leave to file and the total amount of fees incurred is not in dispute, and to the extent Oracle is entitled to recover the costs of its settlement, the amount of fees may

never be at issue. Thus, at this point in the litigation, Oracle's privacy interests outweigh the presumption in favor of public access to judicial documents. Accordingly, Oracle requests leave to redact this information. AIG has consented to this request as well.

Date: July 19, 2018

Respectfully submitted,

McKool Smith, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record via the Court's ECF system on July 19, 2018.

/s/ Adam Ziffer